

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**UNITED STATES OF AMERICA,**

**v.**

**JIMMY COLLIER**

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**CASE NUMBER 6:14-CR-00056-RC**

**REPORT & RECOMMENDATION OF  
UNITED STATES MAGISTRATE JUDGE**

On May 2, 2017, the Court conducted a hearing to consider the government's petition to revoke the supervised release of Defendant Jimmy Collier. The government was represented by Nathaniel Kummerfeld, Assistant United States Attorney for the Eastern District of Texas, and Defendant was represented by Public Defender Ken Hawk.

Defendant originally pled guilty to the offense of Possession of Fifteen or More Counterfeit and Unauthorized Access Devices, a Class C felony. The offense carried a statutory maximum imprisonment term of 10 years. The United States Sentencing Guideline range, based on a total offense level of 12 and a criminal history category of VI, was 30 to 37 months. On April 30, 2015, District Judge Michael H. Schneider sentenced Defendant to 30 months of imprisonment followed by 3 years of supervised release subject to the standard conditions of release, plus special conditions to include financial penalty, financial disclosure, financial restrictions, gambling restrictions, drug after-care including drug testing, a \$100 special assessment fee, and restitution of \$702.62. On August 19, 2016, Defendant completed the term of imprisonment and began his term of supervised release.

Under the terms of supervised release, Defendant was required to refrain from excessive use of alcohol and from purchasing, possessing, using, distributing, or administering any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician. In its petition, the government alleges that Defendant violated this condition of supervised release by providing urine specimens on September 19, 2016, January 31, 2017, and March 7, 2017, which tested positive for illegal substances.

According to U.S.S.G. § 7B1.1(a), if the Court finds by a preponderance of the evidence that Defendant violated conditions of supervision by testing positive for marijuana, methamphetamine, and amphetamine, Defendant will be guilty of committing a Grade C violation. Upon a finding of a Grade C violation, the Court may (A) revoke probation or supervised release; or (B) extend the term of probation or supervised release and/or modify the conditions of supervision. U.S.S.G. § 7B1.3(a)(2). Considering Defendant's criminal history category of VI, the Guideline Imprisonment Range for a Grade C violation is 8 to 14 months. U.S.S.G. § 7B1.4(a).

At the hearing, the parties indicated that they had come to an agreement to resolve the petition whereby Defendant would plead true to violating the conditions of supervision by committing the acts alleged above. In exchange, the government agreed to recommend a sentence of 14 months with 60 days of supervised release to follow.

Pursuant to the Sentencing Reform Act of 1984, the Court **RECOMMENDS** that Defendant Jimmy Collier be committed to the custody of the Bureau of Prisons for a term of imprisonment of 14 months with 60 days of supervised release to follow. The Court **FURTHER RECOMMENDS** drug treatment and that the place of confinement be Seagoville or Texarkana if Seagoville is not possible in order to facilitate family visitation.

**So ORDERED and SIGNED this 2nd day of May, 2017.**

  
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JOHN D. LOVE  
UNITED STATES MAGISTRATE JUDGE